

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

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JUSTIN M. LONGWORTH,

Plaintiff,

v.

SHERRY M. BECK,  
ANDREW MANSUKHANI,  
ANTHONY T. SCARANTINO,  
PATRICK BURRELL, and  
MATTHEW W. HAUGHT,

Defendants.

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Case No. 5:19-CT-3199

**[Proposed] ORDER**

Having reviewed the Defendant Mansukhani's Motion to Dismiss for Failure to State a Claim Pursuant to Fed. R. Civ. P. 12(b)(6) (Dkt. No. 45) and the briefs submitted by the parties, the Court finds that:

1. Plaintiff's claims do not present a new *Bivens* context, as failure to protect inmates from mistreatment in prison has long been recognized as a *Bivens* context.
2. Plaintiff has sufficiently pled facts that give rise to plausible claims for deliberate indifference by Defendant Mansukhani.
3. The law recognizes claims for failures to train and supervise in the *Bivens* context, and Plaintiff has sufficiently pled facts supporting these claims.

For these reasons, it is hereby

ORDERED that the Motion (Dkt. No. 45) be DENIED.

SO ORDERED.

This the \_\_\_\_ day of October, 2020.

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The Honorable Louise W. Flanagan  
United States District Judge